

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CURTIS S. THOMPSON, )  
Plaintiff, ) CASE NO. C05-2064-JLR-MAT  
v. )  
OFFICER BURACH, *et al.*, ) ORDER STRIKING MOTION TO  
Defendants. ) AMEND AND DENYING MOTION  
 ) TO APPOINT COUNSEL  
)

This is a civil rights action filed under 42 U.S.C. § 1983. Currently pending before the Court are plaintiff's motions to amend his complaint and to appoint counsel. The Court, having reviewed plaintiff's motions, and the balance of the record, does hereby ORDER as follows:

(1) Plaintiff's motion to amend his complaint (Dkt. No. 151) is STRICKEN. Plaintiff seeks to add defendants to this action by way of the instant motion to amend. However, plaintiff failed to submit a proposed amended complaint in conjunction with his motion. Plaintiff was previously advised that the Court would strike any motion to amend which was not accompanied by a proposed amended complaint. (*See* Dkt. No. 108.)

(2) Plaintiff's motion to appoint counsel (Dkt. No. 151) is DENIED. There is no

ORDER STRIKING MOTION TO  
AMEND AND DENYING MOTION  
TO APPOINT COUNSEL - 1

01 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,  
02 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*  
03 *pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789  
04 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);  
05 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances  
06 requires an evaluation of both the likelihood of success on the merits and the ability of the  
07 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.  
08 *Wilborn*, 789 F.2d at 1331.

09 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,  
10 in light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.  
11 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which  
12 warrant appointment of counsel at the present time.

13 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
14 defendants, and to the Honorable James L. Robart.

15 DATED this 18th day of October, 2010.

16  
17   
18 Mary Alice Theiler  
United States Magistrate Judge  
19  
20  
21  
22